

KATHY A. DOCKERY
CHAPTER 13 TRUSTEE
801 S. FIGUEROA ST., SUITE 1850
LOS ANGELES, CA 90017
PHONE: (213) 996-4400
FAX: (213) 996-4426

UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA
LOS ANGELES DIVISION

IN RE:

GLADYS GRACE LIAD VILLACORTA

DEBTOR(S).

Case No: 2:24-bk-13211-SK

CHAPTER 13

**PROOF OF SERVICE OF TRUSTEE'S OBJECTION TO
CONFIRMATION OF PLAN (BATCH)**

Docket # (29)

In re: **GLADYS GRACE LIAD VILLACORTA**

CHAPTER: 13

CASE NUMBER: **2:24-bk-13211-SK**

Proposed orders do not generate an NEF because only orders that have been entered are placed on the CM/ECF docket.

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:
801 S. Figueroa Street, Suite 1850
Los Angeles, California 90017

A true and correct copy of the foregoing document described as **"TRUSTEE'S OBJECTION TO CONFIRMATION OF PLAN (BATCH)"**, Docket # (29) will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner indicated below:

I. **TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING ("NEF")** - Pursuant to controlling General Order(s) and Local Bankruptcy Rule(s) ("LBR"), the foregoing document will be served by the court via NEF and hyperlink to the document. On _____, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following person(s) are on the Electronic Mail Notice List to receive NEF transmission at the email address(es) indicated below:



Service information continued on attached page

II. **SERVED BY U.S. MAIL OR OVERNIGHT MAIL**(indicate method for each person or entity served):

On 8/27/24, I served the following person(s) and/or entity(ies) at the last known address(es) in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States Mail, first class, postage prepaid, and/or with an overnight mail service addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.



Service information continued on attached page

III. **SERVED BY PERSONAL DELIVERY, FACSIMILE TRANSMISSION OR EMAIL** (indicate method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on _____, I served the following person(s) and/or entity(ies) by personal delivery, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on the judge will be completed no later than 24 hours after the document is filed.



Service information continued on attached page

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

8/27/24

Katherine Bamaca

Date

Type Name

Katherine Bamaca
Signature

In re: **GLADYS GRACE LIAD VILLACORTA**

CHAPTER: 13

CASE NUMBER: **2:24-bk-13211-SK**

Service List

Notice of Electronic Filing Service

Benjamin Heston

bhestonecf@gmail.com;benheston@recap.email;NexusBankruptcy@jubil
eebk.net

United States Trustee (LA)

ustpreion16.la.ecf@usdoj.gov

U.S. Mail Service

Gladys Grace Liad Villacorta
5421 Thornburn St
Los Angeles, CA 90045-2224

NEXUS BANKRUPTCY
3090 BRISTOL STREET #400
COSTA MESA, CA 92626

This form is mandatory. It has been approved for use by the United States Bankruptcy Court for the Central District of California.

January 2009

F 9013-3.1

In re: **GLADYS GRACE LIAD VILLACORTA**

CHAPTER: 13

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Los Angeles, California 90017

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☐

Service information continued on attached page

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

8/27/24

Robert J Wallace, Jr.

See Attached Certificate of Service

Date

Type Name

Signature

In re: **GLADYS GRACE LIAD VILLACORTA**

CHAPTER: 13

CASE NUMBER: **2:24-bk-13211-SK**

Service List

U.S. Mail Service

Gladys Grace Liad Villacorta
5421 Thornburn St
Los Angeles, CA 90045-2224

NEXUS BANKRUPTCY
3090 BRISTOL STREET #400
COSTA MESA, CA 92626

This form is mandatory. It has been approved for use by the United States Bankruptcy Court for the Central District of California.

January 2009

F 9013-3.1

CERTIFICATE OF SERVICE

DEBTOR 1 NAME: Gladys Grace Liad Villacorta
DEBTOR 2 NAME:

CASE NUMBER: 2413211
PRINT JOB ID: 226569

I Robert J Wallace, Jr. certify under penalty of perjury that I have served the attached document on the below listed entities in the manner shown on 8/27/2024 :

Via U.S. First Class Mail, or electronic service, if such interested party is an electronic filing user, pursuant to Local Rule 5005-4(9)(b):

Gladys Grace Liad Villacorta; 5421 Thornburn St; Los Angeles, CA 90045-2224
NEXUS BANKRUPTCY; 3090 BRISTOL STREET #400; COSTA MESA, CA 92626

By Electronic Transmittal :
By Fax :

I certify that I have prepared the Certificate of Service and that it is a true and correct copy to the best of my knowledge, information and belief.

Date : 8/27/2024

Signature : 

Premium Graphics, Inc.
2099 Thomas Road Suite 10
Memphis, TN 38134

KATHY A. DOCKERY
CHAPTER 13 TRUSTEE
801 S. FIGUEROA ST., SUITE 1850
LOS ANGELES, CA 90017
PHONE: (213) 996-4400
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UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA
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IN RE:

GLADYS GRACE LIAD VILLACORTA

DEBTOR(S).

Case No: 2:24-13211-SK

CHAPTER 13

**TRUSTEE'S OBJECTIONS TO PLAN CONFIRMATION;
DECLARATION IN SUPPORT THEREOF; AND NOTICE
RE: EFFECT OF FAILURE TO APPEAR AT
CONFIRMATION HEARING**

DATE: October 24, 2024
TIME: 10:00 am
PLACE: ROYBAL BUILDING
255 EAST TEMPLE STREET
Courtroom 1575 15th Floor
LOS ANGELES, CA 90012

TO THE HONORABLE SANDRA R. KLEIN, UNITED STATES BANKRUPTCY JUDGE, THE DEBTOR
AND ALL PARTIES IN INTEREST:

The Chapter 13 Standing Trustee (the "Trustee") hereby objects to confirmation of the plan in that the Debtor(s) has failed to meet all of the mandatory requirements set forth under 11 U.S.C. §1325. The Trustee's Objections are set forth in detail in Exhibit "A" of the attached Declaration in Support of the Trustee's Objections to Confirmation. The Objections are based on information as known to the Trustee as of the §341(a) Meeting of Creditors (The "Meeting"). The Trustee reserves the right to raise additional objections.

Unless otherwise specified at the Meeting, the Trustee requests that the debtor(s) provide any new or amended documents no later than five days after the Meeting. Pursuant to 11 U.S.C. §521(3), the debtor(s) is required to cooperate with the Trustee.

**THE FAILURE OF THE DEBTOR(S) OR THE ATTORNEY FOR DEBTOR(S), TO APPEAR AT THE
CONFIRMATION HEARING IS CAUSE FOR DISMISSAL OR CONVERSION OF THE CASE UNLESS**

THE DEBTOR(S) OR THE ATTORNEY FOR DEBTOR(S) IS EXCUSED BY THE TRUSTEE OR BY A COURT ORDER PURSUANT TO L.B.R. 3015-1(d).

THE DEBTOR(S) AND ATTORNEY FOR DEBTOR(S), IF ANY, ARE ALSO ADVISED THAT THE CASE MAY BE DISMISSED OR CONVERTED AT THE CONFIRMATION HEARING IF ALL PLAN PAYMENTS AND THE DECLARATION SETTING FORTH POST-PETITION PRECONFIRMATION DEED OF TRUST PAYMENTS (OFFICIAL FORM F3015-1.4) ARE NOT TENDERED TO THE TRUSTEE PRIOR TO THE DULY NOTICED HEARING TIME.

WHEREFORE, the Standing Trustee respectfully requests that confirmation of the plan be denied .

DATED: 8/23/2024

A handwritten signature in black ink, appearing to read "Kathy A. Dockery", is written over a horizontal line.

KATHY A. DOCKERY, Chapter 13 Trustee

I, Kathy A. Dockery, declare as follows:

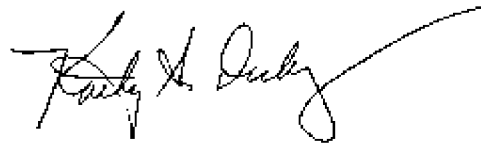
1. I am the standing Chapter 13 Trustee in this matter and by virtue thereof, I have personal knowledge of files and records kept by my office in the regular course of business. I have personally reviewed the files and records kept by my office in the within case. The following facts are true and correct and within my own personal knowledge and I could and would testify competently thereto if called to do so.

2. The Trustee objects to confirmation of the proposed Plan due to the following deficiencies all of which existed prior to or at the time of the §341(a) Meeting(s) held in this matter. A true and correct copy of the Trustee's Objections in this matter is attached hereto and incorporated herein by reference as Exhibit "A".

3. The Debtor(s) is requested to provide the documents and information set forth in Exhibit "A".

I declare under penalty of perjury that the foregoing is true and correct.

DATED: 8/23/2024

A handwritten signature in black ink, appearing to read "Kathy A. Dockery", with a long, sweeping horizontal line extending to the right.

KATHY A. DOCKERY, Chapter 13 Trustee

Trustee Objections

If the debtor(s) fails to produce the documents and resolve the issues set forth in this trustee's objection to confirmation, the trustee may recommend dismissal or conversion of the case for cause and unreasonable delay that is prejudicial to creditors. See 11 U.S.C. §§1307(c) and 1307(c)(1). *Other issues may arise at or before confirmation requiring additional action or information by the debtor and debtor's counsel.*

BANKRUPTCY PAYMENTS MUST BE CURRENT AT CONFIRMATION

Evidence of TFS bankruptcy payments or Cashier's Check payments must be uploaded to The Attorney Portal on the Trustee website, LATRUSTEE.COM.

If you do not have evidence that your bankruptcy payments are current, your case may be dismissed at the confirmation hearing.

RESPONSES TO THE TRUSTEE'S OBJECTIONS ARE DUE ON SEPTEMBER 2, 2024

Responses to the Trustee's Objections must be uploaded on The Attorney Portal on our website at latrustee.com.

All documents that are required to be filed with the Bankruptcy Court must be uploaded to PACER prior to uploading to The Attorney Portal on LATrustee.com

The Plan

- 1 The Trustee requests that the Debtor's(s') proposed plan provide for the issuance of a payroll deduction order without further court order upon the Debtor becoming delinquent by two or more plan payments. The Debtor is also requested to check off the box in Part 1) 1.4 of the Plan to say "included" for other non-standard provisions. The Debtor has a duty to cooperate with the Trustee. See 11 U.S.C. §521(3) and F.R.B.P. 4002(4).

Amendment or Documentation Requested :

Amended Plan

- 2 The Debtor is requested to file a plan which checks off box (b) "Residual Plan" in Section I(B)(1) of the plan in order to require plan payments for the full Applicable Commitment Period as determined by 11 U.S.C. §1325(b)(3) and (b)(4). A bankruptcy court may confirm a Chapter 13 plan under 11 U.S.C. § 1325(b)(1)(B) only if the plan's duration is at least as long as the applicable commitment period provided by § 1325(b)(4). In re: Flores 735 F.3d 855 (9th Cir. En Banc 2013). The Debtor(s) has a duty to prepare schedules carefully, completely, and accurately. Cusano v. Klein, 264 F.3d 936, 946 (9th Cir. 2001); In re Mohring, 142 B.R. 389,394 (Bankr. E.D. Cal. 1992). The Debtor has a duty to cooperate with the Trustee. See 11 U.S.C. §521(3) and F.R.B.P. 4002(4).

Amendment or Documentation Requested :

AMENDED PLAN

- 3 The debtor's plan is infeasible due to insufficient monthly net income as disclosed on Schedule J , Line 23c to make the proposed monthly plan payment. See 11 U.S.C. § 1325(a)(6). The question of feasibility is fact-specific and dependent upon evidence submitted by the debtor. In re Welsh, 2003 WL 25273855, at *3 (Bankr.D.Idaho Feb. 26, 2003).

Amendment or Documentation Requested :

AMENDED SCHEDULE I
AMENDED SCHEDULE J
AMENDED PLAN
PROOF OF INCOME

Statement of Current Monthly Income

- 4 The Debtor is requested to file the Chapter 13 Statement of Current Monthly Income. The Debtor(s) has a duty to cooperate with the Trustee. See 11 U.S.C. §521(3) and F.R.B.P. 4002(4). The Debtor has the burden of proof for plan confirmation. See In re: Hill 268 B.R. 548, 552 (9th Cir. BAP (Cal.), 2001).

Amendment or Documentation Requested :

FORM 122C-1 AND FORM 122C-2

Expenses (Schedule J)

- 5 The Trustee has no objection to the expenses set forth in schedule J so long as the Plan remains a 100% Plan.

Attorney Fees

- 6 The Debtor(s) is requested to provide a properly executed and filed copy of the Rights and Responsibilities Agreement . L.B.R. § 3015-1(u); the Debtor has a duty to cooperate with the Trustee . See 11 U.S.C. §521(3) and F.R.B.P. 4002(4).

Amendment or Documentation Requested :

RIGHTS AND RESPONSIBILITIES AGREEMENT

- 7 The Debtor(s) is requested to provide a properly executed and conformed copy of the B2030 Disclosure for Compensation for Attorney for Debtor(s) L.B.R. § 3015-1(u); the Debtor has a duty to cooperate with the Trustee . See 11 U.S.C. §521(3) and F.R.B.P. 4002(4).

Amendment or Documentation Requested :

DISCLOSURE FOR COMPENSATION FOR ATTORNEY FOR DEBTORS MISSING - B2030

- 8 The amount of the prepetition and postpetition attorney fees disclosed in the 2016(b) Statement, the Rights and Responsibilities Agreement or the Plan do not reconcile with one another . The Debtor is requested to file the appropriate amended document to resolve the inconsistency in fee amount in order for the attorney fees to be properly paid. The Debtor has a duty to cooperate with the Trustee . See 11 U.S.C. §521(3) and F.R.B.P. 4002(4).

Amendment or Documentation Requested :

AMENDED PLAN, RARA 2016b

Miscellaneous Objections

- 9 The Debtor is requested to disclose her husband's new employment information and to provide proof of income for the month of July, 2024. The Debtor(s) has a duty to cooperate with the Trustee . See 11 U.S.C. §521(3) and F.R.B.P. 4002(4). The Debtor has the burden of proof for plan confirmation. See In re: Hill 268 B.R. 548, 552 (9th Cir. BAP (Cal.), 2001).

Amendment or Documentation Requested :

Amended I and July Paycheck Stubs

- 10 The Debtor(s) is requested to provide a declaration regarding: Filing of Tax Returns and Payment of Domestic Support Obligations (Form 3015-1.8.Dec.Tax.Dso). The Debtor has a duty to cooperate with the Trustee . See 11 U.S.C. §521(3) and F.R.B.P. 4002(4).

Amendment or Documentation Requested :

TAX /DSO DECLARATION

- 11 The Debtor(s) is requested to complete, sign and upload the document(s) listed below to LATRUSTEE.COM at least 14 days prior to the Confirmation Hearing. The Debtor has a duty to cooperate with the Trustee . See 11 U.S.C. §521(a)(3) and F.R.B.P. 4002(a)(4).

Attorney Debtor Communication Authorization
Third Party Authorization
Domestic Support Obligation

- 12 The Debtor(s) is requested to provide appropriate evidence of all required plan payments which have come due prior to the date and time of the scheduled confirmation hearing pursuant to the Trustee 's policy and Local Bankruptcy Rules 3015-1(k) et seq. and 3015-1(m) et seq.

Electronic plan payments made through TFS must be submitted 5 days before the Confirmation Hearing. Any TFS payments submitted less than 6 days prior to the Confirmation Hearing may not be deemed evidence of the required plan payment.

Failure to timely submit plan payments including electronic payments may be cause for dismissal or conversion of the case to a case under chapter 7 pursuant to 11 U.S.C. Section 1307© and Local Bankruptcy Rule 3015-1(k)(4) and 3015-1(m)(8).

Amendment or Documentation Requested :

Evidence of TFS Payments with date of the transaction